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Attorneys for Defendants COUNTY OF MONTEREY and
MICHAEL KANALAKIS

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

JIMMY D. HAWS, SETH DANIEL HAWS,
and MIA SKYE HAWS, minors, by and
through their guardian ad litem, CARRIE A.
HAWS, and CARRIE A. HAWS,
individually,

Plaintiffs,

v.

COUNTY OF MONTEREY, MICHAEL
KANALAKIS, NATIVIDAD MEDICAL
CENTER and DOES 1-300, inclusive,

Defendants.

Case No. C 07-02599 JF

DEFENDANTS COUNTY OF MONTEREY
AND MICHAEL KANALAKIS' NOTICE
OF MOTION AND MOTION TO DISMISS
PLAINTIFFS' COMPLAINT WITH
PREJUDICE [F.R.C.P. 12(b)(1) and (6)]

Date: July 20, 2007
Time: 9:00 AM
Ctm.: 3, 5th Floor
Judge: Hon. Jeremy Fogel
Action Filed: May 16, 2007

TO THE PLAINTIFFS, AND TO THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that on July 20, 2007, at 9:00 a.m. in Courtroom #3, 5th Floor, of the United States District Court for the Northern District of California, located at 280 South First Street, San Jose, California, Defendants COUNTY OF MONTEREY and MICHAEL KANALAKIS will and hereby do move the court for an order dismissing plaintiffs' complaint with prejudice. This motion is made pursuant to Fed. R. Civ. P., Rules 12(b)(1) and (6) on the grounds that the court lacks jurisdiction over the subject matter and for failure to state a claim upon which relief can be granted.

This motion shall be supported by this Notice of Motion, the Memorandum of Points and

1 Authorities, upon all papers and pleadings on file herein, and upon such oral argument as may be
2 presented at the hearing on this matter.

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4 DATED: June 11, 2007.

Respectfully submitted,

5 CHARLES J. McKEE, County Counsel

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7 By /S/ Traci A. Kirkbride
8 TRACI A. KIRKBRIDE
Deputy County Counsel

9 Attorneys for Defendants COUNTY OF MONTEREY
10 and MICHAEL KANALAKIS
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